

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

BEARBOX LLC and AUSTIN STORMS,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 21-534-GBW
)	
LANCIUM LLC, MICHAEL T.)	
MCNAMARA, and RAYMOND E. CLINE,)	
JR.)	
)	
Defendants.)	

DEFENDANTS' MOTION FOR FEES AND EXPENSES

Defendants Lancium LLC, Michael T. McNamara, and Raymond E. Cline (“Defendants”) respectfully move for an award of certain attorneys’ fees, expenses/costs, and expert witness fees. Specifically, Defendants move:

- (1) pursuant to 35 U.S.C. § 285 for a determination that this case is exceptional and a determination that Defendants are entitled to their reasonable attorneys’ fees and costs/expenses incurred for (a) litigating this case from the date of the Court’s claim construction ruling onward, and (b) litigating Plaintiffs’ claim that Austin Storms was the sole inventor of U.S. Patent No. 10,608,433 from the beginning of the case, or in the alternative, from the date of filing the Answer to Complaint and Counterclaims of Defendants, D.I. 13 (i.e., May 12, 2021);
- (2) pursuant to the Court’s inherent power for a determination that Defendants are entitled to their reasonable expert witness fees incurred for (a) litigating this case from the date of the Court’s claim construction ruling onward, and (b) litigating Plaintiffs’ claim that Austin Storms was the sole inventor of U.S. Patent No. 10,608,433 from the beginning

- of the case, or in the alternative, from the date of filing the Answer to Complaint and Counterclaims of Defendants, D.I. 13 (i.e., May 12, 2021);
- (3) pursuant to 18 U.S.C. § 1836 a determination that Defendants are entitled to their reasonable attorneys' fees incurred for researching, preparing, and briefing their motion to strike Plaintiffs' claim under the federal Defendant Trade Secrets Act (Count III) of the Second Amended Complaint (D.I. 103); and
- (4) for a determination that Plaintiff BearBox, LLC and Plaintiff Austin Storms are jointly and severally liable for all fees and costs awarded.

This Motion is based on the accompanying Opening Brief, the Declaration of Adam Kaufmann in Support of Defendants' Motion for Fees and Expenses, the exhibits attached thereto, cited pleadings on file with the Court in this action, and on any other materials or evidence that may be presented to the Court.

Dated: April 19, 2023

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